

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MELDON L. TALBOT

Application 09/706,991



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 8, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below.

On May 21, 2003, the examiner filed an examiner's Answer (Paper No. 10). There is no indication that an appeal conference was held in this answer. On October 3, 2003 (Paper No. 14), Paralegal Tina Lee sent notice to the examiner that there was no signature or initialing of the conferees present in the Answer.

The Manual of Patent Examining Procedure (MPEP) § 1208

states:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

...

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by **the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their names.** This will make the record clear than an appeal conference has been held.

Accordingly, it is

ORDERED that this application be returned to the examiner for the second time for indication that an appeal conference was held and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Frances C. Han
Frances C. Han
Program and Resource Administrator
(703) 308-9797

Application 09/706,992

CC:

Meldon L. Talbot
651 Olympia Avenue
Longmont, CO 80501

FCH/cam
RA04-0155